

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Khalil Duante Washington,)	
)	
Plaintiff,)	
)	Civil Action No. 2:22-cv-3580-BHH
v.)	
)	
Nina Savis, John Mullen, Roger)	<u>ORDER</u>
Young, Lisa Lawson, Charles)	
Stafford, A. Harper, D. Triana,)	
J.S. Hogan, Robert Mathewes,)	
Julie Armstrong, Robert Duncan,)	
Sheriff Kristin Graziano,)	
)	
Defendants.)	
)	

This matter is before the Court for review of the Report and Recommendation (“Report”) of United States Magistrate Molly Hughes Cherry, which was made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 for the District of South Carolina. In her Report, which was filed on May 12, 2023, the Magistrate Judge recommends that the Court dismiss this case without prejudice and without issuance and service of process, explaining, among other things: that Plaintiff failed to file an amended complaint to cure the previously identified deficiencies; that Plaintiff’s requested relief is not available; that Plaintiff’s complaint fails to provide specific facts to support a claim that Defendants violated his federal constitutional or statutory rights; that Defendant Young is entitled to judicial immunity; that Defendants Armstrong and Duncan are entitled to quasi-judicial immunity; that Defendants Savis and Mullen are entitled to prosecutorial immunity; that *Younger* abstention is appropriate; and that Plaintiff’s state law claims (if any) should be summarily dismissed. Attached to the Report was a notice advising Plaintiff of his right

to file written objections to the Report within fourteen days of receiving a copy. (*Id.* at 10.) On June 1, the copy of the Magistrate Judge's Report was returned as undeliverable, but Plaintiff has not filed anything to update the Court as to any change of address.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. In the absence of specific objections, however, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

At this time, it appears that Plaintiff has failed to keep the Court advised of a change of address, and no objections have been filed to the Report. Because no objections have been filed, the Court has reviewed the Magistrate Judge's findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge and hereby adopts and incorporates the Magistrate Judge's Report (ECF No. 17) and dismisses this action without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

June 1, 2023
Charleston, South Carolina